

### **REMARKS**

In the January 29, 2008 Office Action, claims 1-4 and 6-10 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the January 29, 2008 Office Action, Applicant has amended claim 1 as indicated above. Thus, claims 1-4 and 6-10 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Rejections - 35 U.S.C. § 102***

In paragraphs 2 and 3 of the Office Action, claims 1-4, 6 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,925,832 (Kitaura et al.). In response, this rejection is respectfully traversed, especially in view of the clarifying amendments to independent claim 1.

In particular, independent claim 1 now requires *a low pressure space communicating with a suction port side of the compression mechanism and a suction pipe fluidly connected to the ~~to a~~ low pressure space side of the casing*. Claim 1 already required *an outer peripheral face of the compression mechanism being surrounded by the low pressure space*. Clearly, this arrangement is *not* disclosed or suggested by Kitaura et al. or any other prior art of record.

Specifically, in the Kitaura et al. patent, the so-called low pressure space (29) does *not* communicate with the suction port of the compression mechanism (15). Rather, in the Kitaura et al. patent, the so-called low pressure space 29 is *sealed from the compression mechanism*. See column 4, lines 65-67 and column 13, lines 21-25 of the Kitaura et al. patent. In other words, in the Kitaura et al. patent, "the suction pipe (19) passes through the so-called low pressure space (29) in an up-and-down direction and its internal end is fitted to the fixed scroll (24)" and only the suction pipe (19) communicates with the suction port. See column 7, lines 3-15 of the Kitaura et al. patent. Thus, the Kitaura et al. patent fails to disclose or suggest *a low pressure space communicating with a suction port of the*

*compression mechanism with an outer peripheral face of the compression mechanism being surrounded by the low pressure space, and a suction pipe fluidly connected to the low pressure space of the casing, and as now set forth in independent claim 1.*

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, especially as now amended, is not anticipated by the prior art of record. Accordingly, withdrawal of this rejection of independent claim 1 and its dependent claims 2-4, 6 and 10 is respectfully requested.

### ***Rejections - 35 U.S.C. § 103***

In paragraphs 5-7 of the Office Action, claims 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Kitaura et al. patent in view of U.S. Patent No. 3,125,031 (Rydberg et al.). In response, this rejection is respectfully traversed, especially in view of the clarifying amendments to independent claim 1.

As mentioned above, independent claim 1 now requires *a low pressure space communicating with a suction port side of the compression mechanism and a suction pipe fluidly connected to the ~~to a~~ low pressure space side of the casing*. Claim 1 already required *an outer peripheral face of the compression mechanism being surrounded by the low pressure space*. Clearly, this structure is *not* disclosed or suggested by the Kitaura et al. patent, as explained above. The Rydberg et al. patent fails to account for this deficiency of the Kitaura et al. patent with respect to this arrangement. In fact, the Office Action relies on the Rydberg et al. patent to teach features related to a blade, the manner in which the blade is coupled to a piston and the manner in which the piston is driven by the motor. In other words, the Rydberg et al. patent fails to disclose or suggest a low pressure space communicating with a suction port of a compression mechanism and surrounding an outer peripheral face of the compression mechanism, with a suction pipe fluidly connected to such a low pressure space, as now set forth in independent claim 1. Based on the above, even if the Rydberg et al. patent were somehow combined with the Kitaura et al. patent as suggested in the Office Action, such a hypothetical combination would fail to disclose or suggest all of the features of independent claim 1, especially as now amended. Accordingly, withdrawal of

this rejection of claims 7-9, which depend from independent claim 1, is respectfully requested.

*Response to Arguments*

In paragraphs 8-10 of the Office Action, the Office Action responds to the arguments of the November 19, 2007 Amendment.

In response to the positions set forth in paragraphs 8 and 9 of the Office Action, Applicant has amended independent claim 1 to clarify the arrangement of this claim.

In response to the positions set forth in paragraph 10 of the Office Action, Applicant believes that even if the Rydberg et al. patent were somehow combined with the Kitaura et al. patent as suggested in the Office Action, such a hypothetical combination would fail to disclose or suggest all of the features of independent claim 1, especially as now amended (i.e., the arrangement of the low pressure space surrounding the outer peripheral face of the compression mechanism and being fluidly communicated/connected to a suction portion of the compression mechanism and a suction pipe). Specifically, because neither of the cited references disclose or suggest the arrangement of a low pressure space as now claimed, a hypothetical combination of these references cannot disclose a low pressure space as now claimed.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-4 and 6-10 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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